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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,015	01/20/2004	Patrick Germain	2993-507US RM/JR/as	6855
32292	7590	05/03/2005	EXAMINER	
OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA			GARTENBERG, EHUD	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,015

Applicant(s)

GERMAIN ET AL.

Examiner

Ehud Gartenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
No(s)/Mail Date 1/20/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 12-13, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman 3390837 that teaches the invention as disclosed and as claimed: an apparatus ventilating a center body 22 of a gas turbine (Fig. 1) and the method of using it comprising: a forward portion (to the left of 44) having an annular flap (at 44, annular as indicated by the symmetry line of the apparatus) being inclined towards the outer surface of said forward portion (a direct measurement of the flap in Fig. 3 indicates that it is inclined towards the outer surface of said forward portion at angle of approximately 6 degrees), a tailcone (to the right of 44) having a closed end (at its right far end) and an open end partially inserted into the forward portion around 44, and part of the flap at 44 overlaps said open portion, and an opening at 44. Note that the pressure immediately outside the opening was inherently lower than the pressure inside the centerbody, as evidenced by the air flow from the inside of the centerbody through the opening towards the outside of the centerbody (fluids inherently flow from high pressure to low pressure). To the extent that the claimed apparatus produces a local vortex at the outlet of 44, Freeman did the same because identical structures would produce identical flows. Note that the rim of the open end of the tailcone is

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circular as indicated by the symmetry line of the apparatus, generally parallel to the centerline of the engine, and that its edge is inclined towards the inner surface of the centerbody, and that its edge is extending towards the centerline (see in particular Fig. 2). Regarding claim 16, note that the centerbody and the tailcone are serially connected and define the opening at 44 therebetween. Regarding claims 15 and 17, the depression is read on the opening gap between the downstream part of the centerbody and the upstream part of tailcone.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11, 14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman for reasons discussed above and because it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to attach the tailcone's rim to the centerbody's flap using vanes, that was the only way that would have been practically possible and that would have ensured dimensional stability to the apparatus. Note that without vanes support, the tailcone would have not been able to be attached and to stay attached at all to the centerbody, and that any other alternative means would not have been able to preserve the required structural stability of the apparatus. Claim 9-11, 14, 20 are rejected because the numerical values claimed were an obvious design optimization of the Freeman apparatus.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berman 5947412, Wynosky 4240519.

The following dictionary definition was applied to the term "flap":

flap

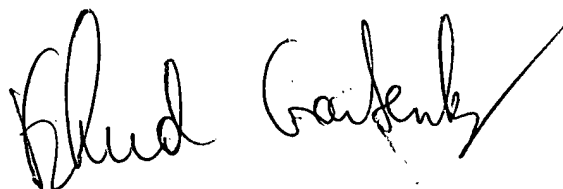
flap (flàp) *noun*

1. A flat, usually thin piece attached at only one side.
2. A projecting or hanging piece usually intended to double over and protect or cover: *the flap of an envelope*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571 272 4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ehud Gartenberg
Primary Examiner
Art Unit 3746

5/1/05